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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,540	03/19/2001	Richter A. Rafey	50N3769	2564

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Intellectual Property Department
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EXAMINER

SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/812,540	Applicant(s) RAFEY ET AL.	
	Examiner Michael R. Shannon	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10 and 12-26 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 7-10, filed 18 March 2005, with respect to the rejection(s) of claim(s) 1-23 and 25 under 35 USC 102(b) as being anticipated by Levitan (USP 5,534,911) and the rejection of claim 24 under 35 USC 103(a) as being obvious over Levitan in view of Herz (USP **5,758,257**) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cobbley et al (USP 5,614,940).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7-10, and 12-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Cobbley et al (USP 5,614,940), cited by examiner.

Regarding claim 1, the claimed "method of outputting a television program to a viewer" is met as follows:

- The claimed step of "receiving a highlight video segment, wherein the highlight video segment includes information associated with a particular subject" is met by the reception of the story segment at the receiving device through the broadcast that indexes the broadcast source into

multiple program and story segments indexed by a particular subject matter [col. 3, line 60 – col. 4, line 4].

- The claimed step of “receiving a detail video segment, wherein the detail video segment includes additional information associated with the particular subject” is met by the reception of the programming segment at the receiving device through the broadcast that indexes the broadcast source into multiple program and story segments indexed by a particular subject matter [col. 3, line 60 – col. 4, line 4].
- The claimed step of “storing in a memory the highlight and detail video segments” is met by the storing of the story and programming segments in the capture device 115 [col. 6, lines 28-29], which, in one implementation, is a part of the set-top-box [col. 10, lines 7-21].
- The claimed step of “generating an output script that is associated with the highlight and detail video segments” is met by the ability of the Storage interface 230 to provide the individual user with the ability to control receipt of the selected headings and segments [col. 11, lines 35-37] and the ability to play the selected segments (according to the personalized newscast profile 240) back to back [col. 12, lines 52-53].
- The claimed step of “accessing and outputting the highlight video segment in accordance with the script” is met by the story segments being displayed back to back according to the personalized newscast profile 240 [col. 12, lines 52-53].

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- The claimed step of “receiving, during the output of the highlight video segment, a first command to output the additional information associated with the particular subject” is met by the ability for the user to select an option such as “jump to next story” [col. 11, lines 42-51] to jump to the next story that the output script (personalized newscast profile 240) has ready. The next story could be the programming information or whole program made up of multiple stories according to column 3, line 60 – column 4, line 7.
- The claimed step of “accessing and outputting the detail video segment in response to the first command” is met by the ability for the user to select an option such as “jump to next story” [col. 11, lines 42-51] to jump to the next story that the output script (personalized newscast profile 240) has ready. The next story could be the programming information or whole program made up of multiple stories according to column 3, line 60 – column 4, line 7, which is able to be output accordingly.

Regarding claim 2, the claimed step of “displaying to the viewer a menu that alerts the viewer that the additional information is available” is met by the menu 240 of the personalized newscast profile, which allows the user to select between the “All Stories” (which is the full/detail programming), the “Headlines Only” or “Personal Profile” options. Upon the user selecting “All Stories”, all of the downloaded programming segments are displayed as in a regular newscast [col. 11, lines 52-67].

Regarding claim 3, the claimed "method of claim 1, wherein the script sequences the highlight video segments for output prior to the detail video segments" is met by the ability for the personalized newscast profile 240 to re-order the subject areas so that output of story segments come before output of programming segments [col. 12, lines 3-8].

Regarding claim 4, the claimed steps of "receiving, during the output of the detail video segment, a second command to skip to a subsequent video segment associated with the output script" and "accessing and outputting the subsequent video segment in response to the second command" are met by the ability for the user to select an option such as "jump to next story" [col. 11, lines 42-51] to jump to the next story that the output script (personalized newscast profile 240) has ready. The next story could be the programming information or whole program made up of multiple stories according to column 3, line 60 – column 4, line 7.

Regarding claim 7, the claimed "method of presenting a television program to a viewer" is met as follows:

- The claimed step of "storing in a memory a viewer preference, wherein the viewer preference identifies a subject of particular interest to the viewer" is met by the personal profile of the individual user, which is stored in the storage device and indicated which subjects the user is interested in viewing [col. 11, line 55 – col. 12, line 2].
- The claimed step of "receiving and storing in the memory highlight and detail video segments and a plurality of metadata tags, wherein each

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unique one of the video segments is associated with a unique one of the metadata tags, wherein each metadata tag includes at least one attribute that identifies a subject of the associated video segment, and wherein the highlight and detail video segments are associated with particular subjects” is met by storing of the programming (detail) segments and story (highlight) segments in the capture device 115 after being received by the broadcast receiver 110 [col. 4, lines 46-56] and the storage of the index data into the index data capture device 112 [col. 4, lines 46-56]. The indexing information for each program segment or story segment includes subject matter headings and keywords that describe the aspects of the program or story segment [col. 4, lines 1-7]. This indexing information meets the claimed metadata, which is stored in the index data capture device 112.

- The claimed step of “identifying the metadata tags that include attributes associated with the preference” is met by the ability to select the “Personal Profile” option so that the system can identify and only use segments that are associated with the particular subjects of interest [col. 11, line 66 – col. 12, line 2].
- The claimed step of “using the identified metadata tags to generate an output program script” is met by the same ability for the newscast profile 240 to generate an output script (as discussed above) based on the “Personal Profile” option [col. 11, line 66 – col. 12, line 2].

- The claimed step of “accessing selected stored highlight and detail video segments in accordance with the output program script” is met by the output of the segments according to the “Personal Profile” option [col. 11, line 66 – col. 12, line 2].
- The claimed step of “displaying the accessed highlight and detail video segments” is, again, met by the output of the segments according to the “Personal Profile” option [col. 11, line 66 – col. 12, line 2].

Regarding claim 8, the claimed “method of claim 7, wherein the attribute is one of a time, a date, a title, a director, and an event” is met by the title being used in the metadata [col. 4, line 5].

Regarding claim 9, the claimed “method of claim 7, wherein the received highlight and detail video segments are part of at least one television program” is met by the fact that the story segment and the program segments are part of a news broadcast [col. 3, lines 60-67].

Regarding claim 10, the claimed “method of claim 7, wherein the received and stored highlight and detail video segments are accumulated over a span of time” is met by the inherent teaching of a time span, since news broadcasts takes place at predetermined periods of time (as all broadcasts do). Column 3, line 60 states that a news broadcast is used to produce multiple segments of video. The news broadcast inherently takes place over a span of time.

Regarding claim 12, the claimed “method of claim 7, wherein receiving and storing the plurality of highlight and detail video segments and the plurality of metadata

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tags occurs in a secondary memory device” is met by the storage of the video segments in cache 130 (which can be a magnetic disk drive) and the storage of index information in cache index 128 (which can be a RAM) [col. 7, lines 19-40].

Regarding claim 13, the claimed “method of outputting selected portions of a television program to a viewer” is met as follows:

- The claimed step of “receiving at least a portion of a television program that includes a plurality of video segments, wherein each of a selected number of the video segments is associated with a unique highlight of the program” is met by the news broadcast being segmented into multiple programming and story segments and indexed according to subject matter of the segment [col. 3, line 60 – col. 4, line 7].
- The claimed step of “storing the selected number of video segments” is met by the storing of the story and programming segments in the capture device 115 [col. 6, lines 28-29], which, in one implementation, is a part of the set-top-box [col. 10, lines 7-21].
- The claimed step of “receiving metadata tags, wherein each unique one of the selected video segments is associated with a unique one of the metadata tags, and wherein each metadata tag includes an attribute that identifies a subject of the associated video segment as a highlight of the program” is met by storing of the programming (detail) segments and story (highlight) segments in the capture device 115 after being received by the broadcast receiver 110 [col. 4, lines 46-56] and the storage of the index

data into the index data capture device 112 [col. 4, lines 46-56]. The indexing information for each program segment or story segment includes subject matter headings and keywords that describe the aspects of the program or story segment [col. 4, lines 1-7]. This indexing information meets the claimed metadata, which is stored in the index data capture device 112.

- The claimed step of “storing data associated with the metadata tags” is met by the storage of the index data into the index data capture device 112 [col. 4, lines 46-56]. The indexing information for each program segment or story segment includes subject matter headings and keywords that describe the aspects of the program or story segment [col. 4, lines 1-7]. This indexing information meets the claimed metadata, which is stored in the index data capture device 112.
- The claimed step of “using the stored data to generate an output program script for outputting the selected number of video segments to the viewer” is met by the ability for the newscast profile 240 to generate an output script (as discussed above) based on the “Personal Profile” option [col. 11, line 66 – col. 12, line 2].
- The claimed step of “accessing the selected number of video segments in accordance with the script” is met by the output of the segments according to the “Personal Profile” option [col. 11, line 66 – col. 12, line 2].

- The claimed step of “outputting the accessed video segments to the viewer” is, again, met by the output of the segments according to the “Personal Profile” option [col. 11, line 66 – col. 12, line 2].

Regarding claim 14, the claimed “method of claim 13, wherein the metadata tags are received during reception of the program” is met by the fact that the segments include indexing information, transmitted by the broadcast source concurrently with the segments of video [col. 3, lines 62-65].

Regarding claim 15, the claimed “method of claim 13, wherein the metadata tags are received after reception of the program” is met by the fact that the segments include indexing information, transmitted by the broadcast source concurrently with the segments of video [col. 3, lines 62-65]. The fact that the metadata information is downloaded after reception of the television program segments is not a patentable distinction over accomplishing the same task during the broadcast.

Regarding claim 16, the claimed “method of claim 13, wherein the metadata tags are received before reception of the program” is met by the fact that the segments include indexing information, transmitted by the broadcast source concurrently with the segments of video [col. 3, lines 62-65]. The fact that the metadata information is downloaded before reception of the television program segments is not a patentable distinction over accomplishing the same task during the broadcast.

Regarding claim 17, the claimed “method of claim 13, further comprising receiving a command from the viewer to output highlights of the television program, and the accessing and outputting of the selected number of video segments occurs in

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response to the received command” is met by the ability for the user to select the personalized newscast profile 240, which allows the user to select “All Stories”, “Headlines Only”, or “Personal Profile” options. The user can tell the system to output “Headlines Only” or “Personal Profile”, which will serve to output only those story segments that the user profile matches [col. 11, line 60 – col. 12, line 2].

Regarding claim 18, the claimed “command being received during broadcast of the program, and the selected number of video segments that are output are associated with only a portion of the program already broadcast” is met by the same discussion of outputting only selected stories according to a user selection of the personalized newscast profile 240 [col. 11, line 60 – col. 12, line 2].

Regarding claim 19, the claimed “method of storing video information” is met as follows:

- The claimed step of “storing in a first memory a viewer preference, wherein the preference identifies a subject of particular interest to a viewer” is met by the personal profile of the individual user, which is stored in the storage device and indicated which subjects the user is interested in viewing [col. 11, line 55 – col. 12, line 2].
- The claimed step of “receiving a content segment of a program that includes a plurality of segments, and receiving a metadata tag associated with the content segment, wherein the metadata tag includes an attribute associated with a subject matter of the content segment” is met by storing of the programming (detail) segments and story (highlight) segments in

the capture device 115 after being received by the broadcast receiver 110 [col. 4, lines 46-56] and the storage of the index data into the index data capture device 112 [col. 4, lines 46-56]. The indexing information for each program segment or story segment includes subject matter headings and keywords that describe the aspects of the program or story segment [col. 4, lines 1-7]. This indexing information meets the claimed metadata, which is stored in the index data capture device 112.

- The claimed step of “comparing the attribute and the preference” is met by the ability to select the “Personal Profile” option so that the system can identify and only use segments that are associated with the particular subjects of interest [col. 11, line 66 – col. 12, line 2].
- The claimed step of “storing in a second memory the content segment if the attribute is associated with the preference” is met by the fact that the “Personal Profile” option can be selected in the newscast profile 240, in order to only receive those programs that fit into the personal profile of the user [col. 11, line 60 – col. 12, line 2].

Regarding claim 20, the claimed “video output system” is met as follows:

- The claimed “receiving unit” is met by the broadcast receiver 110, which serves to receive broadcast segments from the broadcast source 105.
- The claimed “content manager coupled to the receiving unit” is met by the capture device 115 and cache manager 125, which serve to capture and organize the appropriate segments according to the newscast profile 240.

- The claimed “video cache memory coupled to the content manager, wherein the video cache memory includes a content memory portion and a metadata memory portion” is met by the cache 130 for storing the content and the cache index 128 for storing the metadata associated with the content.
- The claimed “show flow engine coupled to the video cache memory” is met by the cache manager 125, which serves to organize the appropriate segments according to the newscast profile 240.
- The claimed “rendering engine coupled to the show flow engine” is met by the signal generating device 510, which serves to generate a signal for display on the display device.

Regarding claim 21, the claimed “sensor/decoder unit coupled to the rendering engine, wherein the sensor/decoder unit receives coded signals from a transmitter activated by a viewer” is met by the input device 508, which is capable of interacting with the user and the system to control the system [col. 15, lines 1-11].

Regarding claim 22, the claimed “viewer preference memory coupled to the content manager and to the show flow engine” is met by the personal profile of the individual user, which is stored in the storage device and indicated which subjects the user is interested in viewing [col. 11, line 55 – col. 12, line 2].

Regarding claim 23, the claimed “gateway to a communications system coupled to the content manager” is met by network connecting device 512, for connecting to multiple networks [col. 14, lines 54-55].

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Regarding claim 24, the claimed "communications system is the Internet" is met by the fact that the network connecting device 512 can connect the device to multiple networks, including a LAN (which inherently teaches the internet).

Regarding claim 25, the claimed "receiving unit and the cache memory are parts of an audio-video tuner/disk combination" is met by the fact that the broadcast receiver and cache's can be used in an integrated set-top-box [col. 10, lines 7-21].

Regarding claim 26, the claimed "show flow engine generates a program script output used by the rendering engine" is met by the ability of the Storage interface 230 to provide the individual user with the ability to control receipt of the selected headings and segments [col. 11, lines 35-37] and the ability to play the selected segments (according to the personalized newscast profile 240) back to back [col. 12, lines 52-53].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cobbley et al (USP 5,614,940), cited by examiner.

Regarding claim 6, the Cobbley reference teaches all of that which is discussed above with regards to claim 1. The Cobbley reference, does not, however, specifically disclose, "receiving a payment for outputting the television program". The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to use a pay-per-

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view system in the broadcast field. The examiner, therefore submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to receive a payment for a television program, in order to utilize the invention in a pay-per-view scenario, as is commonly done in the art.

Claim Objections

6. Claim 18 is objected to because of the following informalities: Claim 18 is dependent upon claim 13, which does not provide proper antecedent basis for "the command". The examiner has assumed that claim 18 is dependant upon claim 17 for the purposes of this art rejection. Appropriate correction is required.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
June 21, 2005


JOHN MILLER
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